(1) Single Bench (5)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 6710 OF 2006

PETITIONER : ROSHAN KUMAR SHARMA ,
S/o. Shri Pulkit Kumar Sharma,
Age about 23 Years, Occupation – Student, ID UG/AE/2002/17-A-19,
Roll No. 595, Chhattisgarh Agricultural Engineering College, Dhanora, Durg
R/o 293-F, Rishali Sector, Bhilai Distt: Durg (C.G.)

VERSUS

RESPONDENTS :

P.R. No. 6837/06
Presented by Shri A. Keshari Deo
dated 28-12-06

(1) INDIRA GANDHI AGRICULTIRAL UNIVERSITY, Through Vice Chancellor, I. G. A. U. Krishak Nagar, Raipur, (C.G.).

(2) REGISTRAR, Indira Gandhi Agricultural University, Krishak Nagar, Raipur (C.G.)

(3) DIRECTOR INSTRUCTION, I.G.A.U. Krishak Nagar, Raipur Distt: Raipur (C.G.)

(4) DEAN, Faculty Agricultural Engineering, I. G. A. U. Raipur Distt: Raipur (C.G.)

(5) PRINCIPAL, Chhattisgarh Agricultural Engineering College, Durg (C.G.)

20/11/06

WRIT PETITION U/A 226 OF THE CONSITITUTION OF INDIA FOR ISSUANCE OF A WRIT OF NATURE OF CERTIORARI.

1. ***Particulars of the petitioners:***

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(68)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 6710/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

5-2-2007

Shri Yogesh Pandey, learned counsel for the petitioner.
Shri B.D. Guru, learned counsel for the respondent No. 1.
Shri Rajeev Shrivastava, Adv. for the respondent No. 5.

Heard.

The petitioner is a student of B. Tec. (Agricultural Engineering) in Chhattisgarh Agricultural Engineering college, Durg. He appeared in the 1st Semester examination of Second year in the year 2003-04, however, he failed in EMA-211 subject. Subsequently, he appeared in second year's second Semester examination in the month of February 2004. The examination of back paper of 1st Semester of second year was not conducted in the month of February, 2004. He appeared in the back paper along with 3rd year's examination in the year 2005-06 but could not succeed in back paper of second year. Since he could not complete back paper of second year's 1st Semester, he was not allowed to register himself in the 4th year's 1st Semester and, therefore, he was barred from appearing in fourth year's 1st Semester examination.

Grievance of the petitioner is that vide letter dated 19-9-2006 of Annexure P-4, the University informed the petitioner that he was not eligible for admission to 4th year in the academic session of 2006-07 as he could not clear Subject EMA-211 of second year as per Statute 13-8(b) which provides that a student who is on Academic Probation in third year class, shall not be permitted to register the courses of fourth year class unless he clears all courses of second year class. It is contended that relaxations were granted to similarly

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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situated students vide Annexure P-5, therefore, the respondents ought to have extended the same relaxations in the case of petitioner also.

I have heard learned counsel for the petitioner. I have perused the Statute by which the examinations are governed. Statute 13-8(b) clearly provides that a student who is on academic probation in third year class, shall not be permitted to register the courses of fourth year class unless he clears all course of second year. Admittedly, the petitioner has not cleared course of second year class, therefore, he was not permitted to resume fourth year's class. Some relaxations extended to other students by the respondents will not *ipso facto* entitle the petitioner for the same relief as a matter of right on the ground of parity. Since the petitioner has not been permitted to resume fourth year class on the ground that he could not clear second year class, which is in accordance with Statute 13-8(b), I am not inclined to interfere in the petition and the same is dismissed at admission stage itself.

Sd/-
Dhirendra Mishra
Judge

P.T.O.